

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EDWARD YOUNGBLOOD,

Plaintiff,

v.

Case No. 06-CV-1205

JOHN HUSZ, LT. MILLER, MS. JOHNSON-FARMER,
CO II CHAPPEL, SGT. MANIX, KELLY SALINAS,
CO II ROLBIECKI, MICHAEL ARNDT, MD,
ROSE LARSON, and MS. GUILONTA,

Defendants.

ORDER

Plaintiff Edward Youngblood, who is proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act (PLRA), the plaintiff is required to pay the statutory filing fee of \$350.00 for this action. See 28 U.S.C. § 1915(b)(1).

By order dated November 28, 2006, the plaintiff was ordered to forward to the clerk of the court by December 18, 2006, the sum of \$ 1.39 as an initial partial filing fee in this action. The plaintiff was advised that, upon payment of this fee, the court would determine whether the action can proceed in forma pauperis. On December 7, 2006, the November 28, 2006 order mailed to the plaintiff was returned to the court as undeliverable. The envelope containing the order indicated that the plaintiff was released from the Milwaukee Secure Detention Facility. To date the plaintiff has not

paid this partial filing fee or provided an updated mailing address. From his failure to pay the initial filing fee or to provide an updated mailing address this court infers that the plaintiff no longer wants to prosecute this action. Therefore, the court will dismiss this case without prejudice pursuant to Civil Local Rule 41.3.

Accordingly,

IT IS ORDERED that this action be and the same is hereby **DISMISSED** without prejudice for failure to prosecute; and

IT IS FURTHER ORDERED that this dismissal will not be counted as a “strike” under 28 U.S.C. § 1915(g); and

IT IS FURTHER ORDERED that a copy of this order be sent to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 23rd day of January, 2007.

BY THE COURT:

s/J. P. Stadtmueller
J. P. STADTMUELLER
U.S. District Judge